

## **CHAPTER 6.12**

### **CATS**

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#### **6.12.010 Definitions.**

(Repealed by Ord. 18092 §74; November 18, 2002: prior Ord. 15517 §1; April 9, 1990: P.C. §8.74.010: Ord. 14810 §3; December 14, 1987: Ord. 13424 §1; July 6, 1982). *See Chapter 6.02.*

#### **6.12.020 Vaccination Against Rabies Required; Vaccination Tag.**

Any person within the city owning a cat shall have such cat vaccinated against rabies with a licensed vaccine as approved by the Nebraska State Department of Health. All cats shall be vaccinated against rabies commencing at three months of age and the vaccination shall be repeated at fifteen months; and a booster vaccination shall be given triennially thereafter. Unvaccinated cats acquired or moved into the City of Lincoln must be vaccinated within thirty days after purchase or arrival, unless under three months of age. It shall be the duty of every veterinarian, at the time of vaccinating any cat, to provide a copy of the rabies vaccination certificate to the Director and to provide a rabies vaccination tag to the owner. The rabies vaccination tag shall be attached to and kept upon the collar or harness of the cat.

Any person convicted of violating this provision shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by imprisonment in the county jail for a period not to exceed six months or by a fine in a sum not more than \$500.00, recoverable with costs, or both such fine and imprisonment, except that each person so convicted shall be fined in a sum of not less than \$50.00 for the first offense; not less than \$75.00 for a second offense; and not less than \$100.00 for the third offense and each offense thereafter. (Ord. 18162 §5; April 14, 2003: prior Ord. 15517 §2; April 9, 1990: P.C. §8.74.015: Ord. 13424 §2; July 6, 1982).

#### **6.12.030 License Required.**

It shall be unlawful for any person within the city to own a cat over six months of age without procuring a license for such cat as provided in this chapter. Any person convicted of violating this provision shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by imprisonment in the county jail for a period not to exceed six months or by a fine in a sum not more than \$500.00, recoverable with costs, or both such fine and imprisonment, except that each person so convicted shall be fined in a sum of not less than \$50.00 for the first offense; not less than \$75.00 for a second offense; and not less than \$100.00 for the third offense and each offense thereafter. (Ord. 18092 §75; November 18, 2002: prior Ord. 15517 §3; April 9, 1990: P.C. §8.74.020: Ord. 11360 §4; May 12, 1975: Ord. 7263 §2; August 15, 1960).

#### **6.12.040 License Tag.**

It shall be unlawful for the owner of any cat to permit or allow such cat to wear any other license tag than the identical one issued for such cat and for the license year for which issued. (Ord. 15517 §4; April 9, 1990: P.C. §8.74.025: Ord. 13424 §3; July 6, 1982).

#### **6.12.045 Limit on Number of Cats Owned**

It shall be unlawful for any person to own, keep, harbor or permit to be kept upon any premises occupied or under such person's charge, more than five cats over six months of age. Provided, however, the provisions of this section shall not apply to persons with a multi-cat household, hobby kennel, or cattery

permit; humane society; animal shelters; animal research facilities; zoos; or to animal hospitals operated by veterinarians duly licensed under the laws of the State of Nebraska.

It shall be unlawful for any person with a multi-cat household, hobby kennel or cattery permit to own, keep, harbor or permit to be kept upon any premises occupied or under such person's charge, more than fifteen cats over six months of age. (Ord. 18092 §76; November 18, 2002).

#### **6.12.050 Information Required; Receipt; Tag.**

Application for such license shall be made to the Director, and the following information, including presentation of a valid rabies certificate showing that the cat has been immunized for rabies shall be furnished:

- (a) Name and address of the owner or harbinger of such cat;
- (b) Such description of the cat as may be required for the purpose of identification; and
- (c) The license number of the tag issued.

The Director shall furnish to the owner upon payment of the license fees as hereinafter required a license receipt showing thereon such information and metallic tag bearing the tag number, the license year for which issued and the word "Lincoln" engraved thereon. (Ord. 17833 §1; April 16, 2001: prior Ord. 15517 §5; April 9, 1990: P.C. §8.74.030: Ord. 13424 §4; July 6, 1982: Ord. 7263 §3; August 15, 1960).

#### **6.12.055 Fees.**

All money received by the Director under this chapter shall be deposited with the City Treasurer who shall credit such money to the Animal Control Fund. (Ord. 17833 §2; April 16, 2001).

#### **6.12.060 Exceptions; Cats Held for Research.**

The licensing and vaccination provisions of this chapter with respect to cats assigned to a bona fide research facility shall not apply if such cats are kept under strict supervision of research personnel and are kept in a kennel or similar holding facility. (Ord. 15517 §6; April 9, 1990: P.C. §8.74.035: Ord. 14810 §4; December 14, 1987).

#### **6.12.070 Cats Running at Large.**

It shall be unlawful for any owner, keeper, or harbinger of any cat to let such cat run at large, unless a valid license tag is attached and said cat is spayed or neutered. (Ord. 17833 §3; April 16, 2001: prior Ord. 15517 §7; April 9, 1990: P.C. §8.74.040: Ord. 13424 §5; July 6, 1982: Ord. 7263 §4; August 15, 1960).

#### **6.12.080 Running at Large While in Heat.**

(Repealed by Ord. 17833 §4; April 16, 2001: Ord. 15517 §8; April 9, 1990: P.C. §8.74.050: Ord. 7263 §5; August 15, 1960).

#### **6.12.090 Wearing of Collars; Removal of License Tag.**

It shall be unlawful for any person to remove, or cause to be removed, the collar, harness, or metallic license tag or rabies vaccination tag from any licensed cat. (Ord. 15517 §9; April 9, 1990: P.C. §8.74.055: Ord. 13424 §6; July 6, 1982).

#### **6.12.100 Public Nuisance.**

Any cat running at large in violation of the provisions of Sections 6.12.070 hereof is declared to be a public nuisance, and shall be impounded by the Director as in this chapter provided, or if the residence of the owner of such cat is determined by the capturing animal control officer before such cat is delivered to the animal shelter, such cat may be delivered to the owner upon said owner's written acceptance of delivery upon a form to be provided by the Director. If such cat is so delivered to the owner, an impoundment fee of twenty dollars shall be paid by the owner to the Director within five days of delivery, and failure to pay said fee shall constitute a separate violation of this section.

The Director shall not release any such cat from being impounded until the owner of said cat shall have obtained a license as provided in this chapter. (Ord. 17833 §5; April 16, 2001: prior Ord. 17523 § 1; July 12, 1999: Ord. 16165 §1; July 20, 1992: Ord. 15517 §10; April 9, 1990: P.C. §8.74.060: Ord. 13424 §7; July 6, 1982: Ord. 7263 §6; August 15, 1960).

#### **6.12.110 Cats Injuring or Destroying Property of Others.**

It shall be unlawful for any person to own, or allow to be in or upon any premises occupied or under such person's charge or control, any cat that in any manner injures or destroys any real or personal property of any description belonging to another. If upon the trial of any offense mentioned in this section it shall appear to the judge that the person be guilty as charged in said complaint, said judge may, in addition to the usual judgment of conviction, order the person so offending to make restitution to the party injured in an amount equal to the value of the property so injured or destroyed. (Ord. 15517 §11; April 9, 1990: P.C. §8.74.065: Ord. 13424 §8; July 6, 1982).

#### **6.12.120 License Fee.**

(a) The license fee for all cats shall be the sum of thirty dollars; provided, however, the license fee for all spayed female cats and neutered male cats shall be the sum of fifteen dollars. Further provided, the license fee for a cat owned by an individual sixty-two years of age or older shall be the sum of twenty-five dollars. However, the license fee shall be twelve dollars if the cat is a spayed female or a neutered male. Unless previously licensed as spayed or neutered, a cat shall be so licensed only if the license fee is accompanied by a statement signed by a veterinarian describing such cat and verifying the fact that such cat has been spayed or neutered.

(b) In addition to the license fee, any expired license which is renewed later than the expiration date shall not be renewed or issued until the following late fee penalty has been paid by the owner:

Received later than thirty days after license expiration,	
but before sixty days	\$ 5.00
Received sixty days or more after license expiration,	
but before ninety days	\$10.00
Received ninety days or more after license expiration	\$15.00

For new licenses, the owner shall be liable for a late fee according to the above schedule if the owner fails to license the animal within thirty days of the date the animal attains the age of six months.

No late fee shall be charged on new licenses if the owner submits proof of purchase or acquisition of the cat within the preceding thirty days; or the owner has moved into the city within the preceding thirty days. (Ord. 18162 §6; April 14, 2003: prior Ord. 18092 §77; November 18, 2002: Ord. 17523 § 2; July

12, 1999: Ord. 16432 §1; July 26, 1993: Ord. 16165 §2; July 20, 1992: Ord. 15517 §12; April 9, 1990: P.C. §8.74.070: Ord. 15248 §1; August 7, 1989: Ord. 14452 §4; August 4, 1986: Ord. 13895 §2; July 23, 1984: Ord. 13424 §9; July 6, 1982: Ord. 7263 §7; August 15, 1960).

#### **6.12.130 Hobby Kennel or Cattery Permit.**

It shall be unlawful for any person to have or maintain a hobby kennel or cattery within the City of Lincoln without first having obtained such hobby kennel or cattery permit from the Director as herein provided.

Any person having a hobby kennel or cattery shall make application to the Director for said permit. The Director shall issue the permit upon finding that the premises are in compliance with the law, the permit fee has been paid, each cat has been properly licensed and vaccinated against rabies, and upon compliance with the following conditions:

- (a) Permits are not transferable from one person to another person or place.
- (b) A permit holder shall notify the Director of any change in operations which may affect the status of said permit and shall keep the Director apprised of any change in name or location of the permit holder's kennel.
- (c) The hobby kennel or cattery permit shall expire December thirty-first of each calendar year for which issued. All permits shall be due January first of each year and shall expire on December thirty-first following.
- (d) The permit fee shall be fifty dollars plus the cat license fee for each cat, as required by Section 6.12.120.
- (e) Failure to maintain the premises in compliance with the law, or failure to make payment of the permit fee, or failure to maintain proof showing that each cat has been properly licensed and vaccinated against rabies may result in the immediate termination of the hobby kennel or cattery permit by the Director.

Any decision of the Director under the provisions of this section may be appealed to the District Court as provided by law. (Ord. 18092 §78; November 18, 2002; prior Ord. 17523 § 3; July 12, 1999: Ord. 15891 §1; May 20, 1991: Ord. 15517 §13; April 9, 1990: P.C. §8.74.080: Ord. 13424 §10; July 6, 1982: Ord. 7263 §8; August 15, 1960).

#### **6.12.132 Multi-Cat Household; Permit.**

It shall be unlawful for any person to have or maintain a multi-cat household within the City of Lincoln without first having obtained such a permit from the Director.

Any person having a multi-cat household shall make application to the Director for said permit. The following shall be submitted with the application:

- (a) Proof of current licenses and rabies vaccination for each cat to be kept or harbored on the premises.
- (b) The permit shall be \$30.00 in addition to the licensing fee for each cat as required in Section 6.12.030 or 6.12.120.

Upon a finding by the Director that the premises are in compliance with the terms of the permit and the law, said permit will be issued. Only one permit per premise shall be issued. A permit shall not be granted if permit holder possesses a current cattery or hobby kennel permit on the same premises. (Ord. 18092 §79; November 18, 2002).

#### **6.12.134 Multi-Cat Household Permit; Terms and Requirements.**

- (a) Permit is not transferable to another person or premise.
- (b) Permit shall be voided when the number of cats is reduced to the legal limit of five cats over the age of six months or the owner receives a cattery permit.
- (c) All cats shall be spayed and neutered. There shall be no breeding of cats permitted under this permit.
- (d) The multi-cat household permit shall expire December 31st of each calendar year for which issued. All permits shall be renewed by January 1st of the following year.
- (e) All cats shall be kept confined on the permit owner's property and it shall be unlawful to allow any cat under such permit holder's charge, custody or control to run at large.
- (f) Any odor or unsanitary conditions caused by the cats shall not interfere with an adjoining property owner's use and peaceful enjoyment of his/her property.
- (g) A permit holder shall notify the Director of any change in ownership or death of cats, property, or any other change which may affect the status of said permit and shall keep the Director apprised of any change in name or location of multi-cat household.
- (h) No cat shall be kept under conditions or circumstances prohibited by Sections 6.04.310, Cruelty to Animals, or 6.04.315, Animal Neglect. Violation of these provisions may result in termination of the multi-cat household permit.
- (i) Failure to maintain the premises in compliance with the law, to make payment of the permit fee, or maintain proof showing that each cat has been properly licensed and vaccinated against rabies may result in the immediate termination of the multi-cat household permit by the Director.
- (j) All permit holders shall allow an Animal Control Officer to inspect or investigate their premises. Failure to permit an Animal Control Officer to investigate or inspect their premises may result in the termination of the multi-cat household permit. (Ord. 18092 §80; November 18, 2002).

#### **6.12.136 Multi-Cat Household, Hobby Kennel, or Cattery Permit; Nonconforming.**

Any person who owns more than fifteen cats at the time of adoption of this ordinance or at time of annexation into the corporate limits of the City shall be allowed to obtain a multi-cat household, hobby kennel, or cattery permit for the said number of cats owned until the time of death or transfer of ownership of the cats. Thus, reducing the number of cats possessed to come into conformance with the limits herein provided in this chapter. Permit holders must meet all other requirements of the multi-cat household, hobby kennel, or cattery permits. (Ord. 18092 §81; November 18, 2002).

#### **6.12.140 Minimum Standards of Sanitation, Care, and Adequate Housing of Cats in Hobby Kennel or Cattery or Multi-Cat Household.**

- (a) Animal housing facilities shall be constructed of nontoxic materials and in a structurally sound design. The facility shall be kept in good repair and kept clean and sanitary at all times, so as to protect animals from disease and injury.
- (b) (1) Animals maintained in pens, cages, or runs for periods exceeding twenty-four hours shall be provided with adequate space to prevent overcrowding and to maintain normal exercise according to species. Cages are to be of material and construction that permit cleaning and sanitizing.

(2) Indoor housing. These facilities shall be sufficiently temperature controlled and ventilated to provide for the animal's comfort and health. Sufficient lighting shall be provided by either artificial or natural means.

(3) Outside housing or enclosures shall allow adequate protection against weather extremes. Floors of buildings, runs, and walls shall be of an impervious material to permit proper cleaning and disinfecting. Outside runs must be within another fenced yard and screened from view by either plantings or the other fence.

(c) Provisions shall be made for the removal and proper disposal of animal and food waste, bedding, dead animals, and debris. Disposal facilities shall be provided and so operated as to minimize vermin infestation, odors, and disease hazards.

(d) All animal quarters and runs are to be kept clean, dry, and in a sanitary condition.

(e) The food shall be free from contamination, wholesome, palatable, and of sufficient quantity and nutritive value to meet the normal daily requirements for the condition and size of the animal.

(f) All animals shall have fresh water available at all times. Water vessels shall have weighted bottoms or be mounted or secured in a manner that prevents tipping and be of the removable type.

(g) Each cat shall be observed daily by the cat caretaker in charge or the caretaker's representative. Sick, diseased, injured, lame, or blind animals shall be provided with proper veterinary care. (Ord. 18092 §82; November 18, 2002; prior Ord. 15517 §14; April 9, 1990: P.C. §8.74.085: Ord. 13424 §11; July 6, 1982).

#### **6.12.145 Hobby Kennel or Cattery or Multi-Cat Households; Cats Running at Large.**

It shall be unlawful for any person holding a hobby kennel or cattery or multi-cat household permit to allow any cat under such person's charge, custody, care, or control to run at large. (Ord. 18092 §83; November 18, 2002; prior Ord. 15891 §2; May 20, 1991).

#### **6.12.150 Disposition of Fees.**

The Director shall deposit all monies received under this chapter with the City Treasurer, who shall credit said deposits to the Animal Control Fund. (Ord. 15517 §15; April 9, 1990: P.C. §8.74.090: Ord. 13424 §12; July 6, 1982; prior Ord. 7263 §9; August 15, 1960).

#### **6.12.160 Term of License.**

The license period for animals required to be licensed under the provisions of this chapter shall expire on the last day of the month one year from the month of issuance, and renewal shall become past due on the first day of the following month.

A license fee may be prorated in the event an owner wishes to consolidate the expiration dates for two or more licensed animals; in such case, the fee shall be prorated prospectively only, so that in no event shall the owner pay less than the annual fee for each animal so licensed. No license shall be assignable or transferable from one owner to another owner or from one cat to another cat. (Ord. 15517 §16; April 9, 1990: P.C. §8.74.100: Ord. 15248 §2; August 7, 1989; prior Ord. 14957 §1; August 22, 1988: Ord. 13424 §13; July 6, 1982: Ord. 7263 §10; August 15, 1960).

#### **6.12.170 Sanitary Regulations.**

The owner of any cat shall keep any yard, enclosure, shelter structure, or dwelling wherein such cat is kept in a clean and sanitary condition so as not to give off offensive odors which are a source of discomfort to persons residing in the vicinity thereof. The owner of any cat shall not allow offal, manure, and waste material of such cat to accumulate or remain in the yard, pen, enclosure, shelter structure and/or dwelling, upon which such cat resides or is confined in any manner which is conducive to the breeding or attraction of flies, mosquitoes, or other noxious insects or in any manner which endangers the public health or safety or which creates an unhealthy environment. The maintenance or permitting of any of the foregoing conditions on any premises is hereby declared to be a public nuisance. The owner of any cat shall in a sanitary manner remove or dispose of all offal, manure, and waste material accumulating from such cat at least once every seven days. (Ord. 15517 §17; April 9, 1990: P.C. §8.74.105: Ord. 15043 §1; November 7, 1988).

#### **6.12.180 Enforcement.**

The enforcement of the provisions of this chapter shall be under the direction of the Director. For the purpose of enforcing this chapter or abating any nuisance existing hereunder, the Director or any Animal Control officer or police officer may enter private premises. (Ord. 15517 §18; April 9, 1990: P.C. §8.74.110: Ord. 13424 §14; July 6, 1982: prior Ord. 7263 §11; August 15, 1960).

#### **6.12.190 Poisoning or Injuring Cats.**

It shall be unlawful for any person to administer, or cause to be administered, poison of any sort whatsoever to any cat, or to neglect or in any manner to mistreat, injure, maim, or destroy except as elsewhere in this chapter specifically authorized, or in any manner to attempt to mistreat, injure, maim, or destroy a cat of another, or to place any poison or poisoned food where the same is accessible to any cat. (Ord. 15517 §19; April 9, 1990: P.C. §8.74.115: Ord. 13424 §15; July 6, 1982).

#### **6.12.200 Duty to Place Cat Under Observation; When Required; Procedure.**

When any person owning a cat has been notified by any person injured or by someone in their behalf, or has knowledge of said injury, that said person has been bitten or attacked by said cat, or other animal, or when any person owning a cat has been notified by any person that said cat has been bitten by a rabid animal, the owner shall immediately place the cat under the care and observation of the Director or a licensed veterinarian within the city with the expense thereof to be borne by the owner of such cat; and failure of the owner to submit said cat or other animal within twenty-four hours after notice of said bite or attack to the Director or a veterinarian within the city constitutes a violation of this chapter. The Director or licensed veterinarian shall impound said cat for care and observation for a period of at least ten days in compliance with standards adopted by the Board of Health. It shall be lawful for the Director, or an agent of the Director, to destroy in a humane manner any cat that has been determined by the Director to have rabies, or that has been impounded for observation after the period of observation has expired unless the owner shall, within five days after notice has been given, redeem such cat by paying such expense incident to such impounding, observation, or treatment. It shall be unlawful for any person to release any cat held for observation to any person prior to expiration of the period of observation. Before any such cat shall be released, the person to whom it is released shall submit proof in the form of a certificate issued by a licensed veterinarian or other person authorized by law to administer rabies vaccinations, that such cat does



not have rabies and has been properly vaccinated for rabies. (Ord. 15517 §20; April 9, 1990: P.C. §8.74.120: Ord. 13424 §16; July 6, 1982: prior Ord. 7263 §12; August 15, 1960).

#### **6.12.210 Holding Impounded Cats.**

Any cat impounded because of not being properly licensed shall be held by the Director for not less than seventy-two hours, unless sooner redeemed or released as hereinafter provided. The Director shall notify the owner of any cat impounded, regardless of reason for impounding, if such owner's identity and address can be ascertained by the Director upon reasonable investigation, within twenty-four hours after such cat is impounded under any of the provisions of this chapter. The notice shall inform the owner that the cat has been impounded, and the purpose or reason for such impounding.

(a) All cats remaining in the shelter unclaimed or not redeemed at the expiration of the time limit of seventy-two hours may be destroyed in a humane manner unless in the judgment of the Director a suitable home may be found for such cat.

(b) In the event said Director shall find a suitable home for such cat within the corporate limits of the city, the person taking such cat shall first procure from said Director a license and metallic tag for that particular cat as provided for hereinbefore in this chapter.

(c) The humane society or like institution with whom the Director has contracted to enforce the provisions of this chapter may sell and transfer to a new owner any cat impounded in the animal shelter after the expiration of the time limit as set by this section, if such new owner procures a license and metallic tag for that particular cat under the provisions of this chapter. The proceeds of any sale of any such cat may be retained by the humane society.

(d) Any impounded cat placed with a new owner shall be neutered or spayed within fifteen days after release from impoundment except for cats under six months of age. Payment of neutering must be made at the time of release and will be forwarded to a licensed veterinarian who will present a statement signed by the veterinarian and the owner stating that the surgery has been performed.

(e) The owner of any cat which is impounded and destroyed under this chapter shall be held responsible for payment of the impoundment fee set out in Section 6.12.220 or the expense incident to the impoundment for observation required by Section 6.12.200; and failure to pay such fee or expense to the Director within fifteen days after destruction of said cat shall constitute a violation of this chapter. (Ord. 15517 §21; April 9, 1990: P.C. §8.74.130: Ord. 13904 §15; July 30, 1984: prior Ord. 13424 §17; July 6, 1982: Ord. 7263 §13; August 15, 1960).

#### **6.12.220 Shelter Fee; Release from Shelter.**

Any cat held or impounded in the animal shelter because of the violation of any of the provisions of this chapter by its owner, shall be released to the owner thereof by the Director upon presentation of the following:

- (a) Proof of ownership of such cat;
- (b) A license for the current year showing that such cat has been properly licensed;
- (c) Proof either in the form of a certificate issued and signed by a licensed veterinarian, or other person authorized by law to administer rabies inoculation, that such cat has been properly inoculated for rabies as required by Section 6.12.050, or by depositing a rabies vaccination fee with the Director to be forwarded to the veterinarian upon presentation of a valid rabies vaccination certificate for such cat, in

which case the owner's failure to obtain a valid rabies vaccination certificate and tag within five days shall constitute a violation of this section; and

(d) Payment of the daily boarding cost plus the impoundment fee as set out below:

First impoundment per animal . . . . .	\$20.00;
Second impoundment per animal . . . . .	\$30.00;
Third impoundment per animal . . . . .	\$35.00;
Fourth and all ensuing impoundments per animal . . . . .	\$45.00.

(e) In addition, the Director shall require proof of surgical sterilization or a deposit to secure sterilization for any one cat that has been impounded. Such proof or deposit shall be provided prior to the release of the impounded cat as follows: (1) for proof of surgical sterilization, the owner shall provide a current written statement signed by a licensed veterinarian that the cat so impounded is surgically sterile; (2) for a deposit to secure sterilization, the owner shall provide a deposit to the Director in an amount not to exceed sixty dollars accompanied by forms provided by the Director. The Director shall release the deposit only upon proof in the form of a written statement signed by a licensed veterinarian that the cat so impounded has been surgically spayed or neutered within fifteen days from the date of the deposit. The Director may release the deposit to the veterinarian who performed the surgical sterilization upon the signature of the owner expressly authorizing such release. If the owner shall fail to have such cat spayed or neutered within fifteen days from the date of the deposit, such deposit shall be forfeited.

(f) It shall be unlawful for any owner to fail to have a cat spayed or neutered after being impounded.

The owner shall remain responsible for all penalties for violation of any of the provisions of this chapter. All cats which shall have remained in the shelter seventy-two hours without being claimed or released may be destroyed in a humane manner, except as otherwise provided in this chapter. (Ord. 17523 § 4; July 12, 1999: prior Ord. 16215 §1; September 14, 1992: Ord. 15517 §22; April 9, 1990: P.C. §8.74.140: Ord. 14452 §5; August 4, 1986: Ord. 13424 §18; July 6, 1982: Ord. 12901 §2; April 14, 1980: Ord. 7263 §14; August 15, 1960).

#### **6.12.230 Director's Duties.**

The Director shall appoint and be assisted by a Chief Animal Control Officer, and additional Animal Control officers as necessary. It shall be the duty of the Director:

(a) To establish and maintain, or supervise under contract, an animal shelter at some convenient location, which shall be kept sanitary, properly heated, ventilated, and lighted;

(b) To properly house, feed, water, and care for all cats confined in the animal shelter;

(c) To enforce the licensing of all cats in the city as hereinbefore provided;

(d) To issue citations in the municipal court against any person failing to license any cat as hereinbefore provided;

(e) To capture and secure all cats running at large contrary to the provisions of this chapter, and to remove such cats in a humane manner to the animal shelter.

Whenever there is any violation of any provision of this chapter, the Director or any of the assistants finding such violations shall, except as otherwise provided, take the name and address of such person violating such provision and the description of the cat owned by such person and issue a summons or otherwise notify such person in writing to appear at a time and place to be specified in such summons or

notice. Such time shall be at least five days after the violation, unless such person shall demand an earlier hearing. It shall be unlawful for any person to disregard a summons issued as provided herein or to fail to appear in court as provided by such summons. (Ord. 15517 §23; April 9, 1990: P.C. §8.74.145: Ord. 13424 §19; July 6, 1982: prior Ord. 12901 §2, April 14, 1980: Ord. 7263 §14; August 15, 1960).

#### **6.12.240 Shelter Manager's Records and Reports.**

The shelter manager shall keep accurate account of all cats received at the shelter and released to the owner or purchaser, showing the date and from whom received, the description of the cat, the name and address of the person or persons releasing or purchasing. The shelter manager shall keep a like accurate account and description of all cats destroyed. On the last day of each month, the shelter manager shall forward to the Director an accurate and complete account of all monies received during the month under the provisions of this chapter, together with a statement of the number of cats in the shelter at the first of the month, the number received, the number destroyed, the number released or sold, and the number on hand at the end of the month. (Ord. 15517 §24; April 9, 1990: P.C. §8.74.150: Ord. 13424 §20; July 6, 1982: prior Ord. 7263 §15; August 15, 1960).

#### **6.12.250 Impounding Time Limit.**

It shall be unlawful for the Director to destroy or cause or permit to be destroyed any cat impounded until the expiration of impounding time limit of seventy-two hours, except that the Director may, when a cat so impounded is suffering from any injury or disease and recovery is doubtful, destroy such cat in a humane manner. (Ord. 15517 §25; April 9, 1990: P.C. §8.74.160: Ord. 13424 §21; July 6, 1982: prior Ord. 7263 §16; August 15, 1960).

#### **6.12.260 Receiving Cats at Shelter; Registration.**

The Director or shelter manager shall not receive a cat into the shelter from any person unless such person shall give their full name and place of residence which shall be registered in a proper book kept by the shelter manager. It shall be unlawful for any person delivering to or receiving any cat from said shelter, to give any false information concerning the same. (Ord. 15517 §26; April 9, 1990: P.C. §8.74.170: Ord. 13424 §22; July 6, 1982: prior Ord. 7263 §17; August 15, 1960).

#### **6.12.270 Animal Control Violation; Citation.**

Whenever a police officer or Animal Control officer of the City of Lincoln shall observe any violation of this chapter or has probable cause to believe that a violation of this chapter has occurred, it shall be the officer's duty to issue an animal control citation to the appropriate person.

At the time of the commission of the alleged violation, the accused may be served with a printed notice requiring the accused to make such appearance on or before the date specified thereon and advising whether execution of waiver of appearance and plea of guilty has been made available by the court for such violation. Said notice shall further apprise the accused that upon direct refusal or failure to so appear, a warrant shall be issued for the accused's arrest, that the accused shall appear at said court during the hours fixed by the judges of the county court as shown on said notice. (Ord. 15517 §27; April 9, 1990: P.C. §8.74.175: Ord. 13904 §16; July 30, 1984: prior Ord. 13424 §23; July 6, 1982).

#### **6.12.280 Interference with Capture of Cats.**

It shall be unlawful for any person to hinder, delay, interfere with, or obstruct the Director or assistants of the Director, while engaged in capturing, securing, or taking to the animal shelter, any cat or cats subject to be impounded, or to break open or in any manner directly or indirectly aid, counsel, or advise the breaking open of any animal shelter, or any ambulance, wagon or other vehicle used for the collecting or conveying of cats to the shelter. (Ord. 15517 §28; April 9, 1990: P.C. §8.74.180: Ord. 13424 §24; July 6, 1982).

#### **6.12.290 Penalty for Violations.**

Any person upon whom a duty is placed by the provisions of this chapter who shall fail, neglect, or refuse to perform such duty, or who shall violate any of the provisions of this chapter, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by imprisonment in the county jail for a period not to exceed three months or by a fine in a sum not to exceed \$500.00, recoverable with costs, or both, except that each person so convicted shall be fined not less than \$35.00 for the first offense, and not less than \$50.00 for a second offense, and not less than \$100.00 for the third offense and each offense thereafter.

If upon the trial of the offense mentioned in this section it shall appear to the county judge that the person be guilty as charged in said complaint, said county judge may, in addition to the usual judgment of conviction, declare said violation a public nuisance, order the party or parties so convicted to abate said nuisance forthwith, and in the event the party or parties convicted shall fail to do so, order the Health Director or the Chief of Police to remove to the animal shelter said cat or cats so kept and harbored in violation of this section, there to be impounded and disposed of in accordance with the terms of this chapter. The cost of such impoundment and disposal shall be borne by the convicted person.

Each day that a violation of any section in this chapter continues shall constitute a separate and distinct offense and shall be punishable as such. The penalties herein provided shall be cumulative with and in addition to any penalty or forfeiture elsewhere in this chapter provided. (Ord. 18092 §84; November 18, 2002: prior Ord. 17833 §6; April 16, 2001: Ord. 15517 §29; April 9, 1990: P.C. §8.74.190: Ord. 13904 §17; July 30, 1984: Ord. 13242 §25; July 6, 1982).

#### **6.12.300 Severability and Savings Clause.**

(a) Each section and each subdivision of a section of this title is hereby declared to be independent of every other section or subdivision of a section so far as inducement for the passage of this ordinance is concerned and invalidity of any section or subdivision of a section of this title shall not invalidate any other section or subdivision of a section thereof.

(b) This title shall in no manner affect pending actions, either civil or criminal, founded on or growing out of any ordinance or part of any ordinance hereby repealed; and this title shall in no manner affect rights or causes of action, either civil or criminal, not in suit that may have already accrued or grown out of any ordinance or part of any ordinance hereby repealed. (Ord. 15517 §30; April 9, 1990: P.C. §8.74.200: Ord. 13242 §26; July 6, 1982).

**6.12.310 Applicability.**

The provisions of this chapter shall not be interpreted, administered, or enforced so as to apply outside the corporate limits of the City of Lincoln. (Ord. 15517 §31; April 9, 1990: P.C. §8.74.210: Ord. 13531 §6; January 17, 1983).